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STUDENT TUITION, UNIVERSITY OF CALIFORNIA

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Ballot Title

STUDENT TUITION, UNIVERSITY OF CALIFORNIA. LEGISLATIVE CONSTITUTIONAL AMENDMENT. Adds section 9.1 to Article IX of the State Constitution to empower the Legislature to determine whether students enrolled in state-supported regular academic terms at the University of California shall be charged for instruction and instructional facilities and the amount of such charges. Charges established by the Regents and in effect shall remain in force until acted upon by the Legislature. Financial impact: None in absence of exercise of power conferred on Legislature; if Legislature acts, financial impact will be dependent on type of action taken.

FINAL VOTE CAST BY LEGISLATURE ON ACA 85 (PROPOSITION 16):

ASSEMBLY—Ayes, 54
Noes, 12

SENATE—Ayes, 31
Noes, 5

Analysis by Legislative Analyst**PROPOSAL:**

Presently the Constitution does not allow the Legislature to decide whether tuition for instructional services shall be charged at the University of California. The Board of Regents of the University of California decides whether tuition will be charged and how much it will be.

This proposition will require the Legislature to decide whether tuition for instructional services shall be charged at the University of California, and, if so, how much the tuition shall be. The proposition does not affect fees for noninstructional services which are determined by the Board of Regents.

FISCAL EFFECT:

If the Legislature does not exercise the power to determine the extent to which tuition will be used to pay instructional costs as provided in this proposition, the

proposition will have no effect on state revenues or costs. On the other hand, if the Legislature sets a smaller tuition fee than that which the Board of Regents now charges, revenue for the University will decrease. In that case, the Legislature might make up the decrease from other state revenue sources or might require the University to cut back on its expenditures. If the Legislature sets a larger tuition fee than that set by the Board of Regents, revenue for the University will increase. In that case the Legislature might cut back on state money going to the University so that its program level would not increase, or the Legislature might allow the University to use the added revenue to increase its programs.

The University presently charges tuition of less than \$45 million annually for instructional purposes. The exact amount is unknown because no legislative definition of instructional services exists.

Text of Proposed Law

This amendment proposed by Assembly Constitutional Amendment 85 (Statutes of 1974, Resolution Chapter 91) expressly amends an existing article of the Constitution by adding a new section thereto. Therefore, the provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED AMENDMENT TO ARTICLE IX

SEC. 9.1. The Legislature shall determine whether students enrolled in state-supported regular academic terms and programs at the University of California shall be charged for instruction and instructional facilities, and the amount of any such charges. Any such charges which have been established by the Regents of the University of California and which are in force at the time this section becomes effective, shall remain in force until acted upon by the Legislature.

Polls are open from 7 A.M. to 8 P.M.

Argument in Favor of Proposition 16

Proposition 16 transfers the authority to levy student charges for instruction and instructional facilities—**tuition**—at the University of California from the U.C. Board of Regents to the state legislature. This measure **does not** alter the level of fees currently charged. It is not opposed by the Board of Regents or by any other group or agency.

California has a three-segment system of public higher education: the University of California, the California State University and Colleges, and the California Community Colleges. For coherent and consistent state policy, the authority to levy student charges at all public institutions should reside in one agency. The Legislature has always had the responsibility for determining the level of student fees at the California State University and Colleges and the community colleges.

When an individual governing board (such as the Regents) can levy charges independently, without regard to the impact on other institutions and state student financial aid programs, the prospects for rational state planning and coordination are diminished. Unilateral board action to raise tuition could result in denying access to qualified students. Other students would require

additional financial aid, thus utilizing a larger proportion of funds in the state scholarship program. Still more students could be diverted to the community colleges, causing an increase in property taxes. **Thus, the Regents' action can affect programs and institutions for which they have no responsibility.**

The levels of student charges at public educational institutions are matters of public policy. Tuition, in essence, is a form of taxation. Matters of public policy and taxation should be resolved by the elected representatives of the people, the Legislature.

This measure is **neither** pro-tuition nor anti-tuition. It simply reflects the belief that **major public policy decisions should be made by your elected representatives.** That way, you have some control. Accordingly, Proposition 16 shifts the responsibility for determining the level of student fees from the Board of Regents to the Legislature.

VOTE "YES" ON PROPOSITION 16.

JOHN VASCONCELLOS
Assemblyman, 24th District

HOWARD WAY
Senator, 15th District

Rebuttal to Argument in Favor of Proposition 16

It seems to us that the proponents' arguments for this proposition made by Senator Howard Way and Assemblyman John Vasconcellos are contradictory. If, as they say this measure **does not** empower the Legislature to alter the tuition fees set by the Regents, **what does it do?** They admit the measure empowers the legislature to control the charges for tuition, and it does.

Next they say the measure is **not opposed** by the Board of Regents or any other group or agency. This claim is obviously untrue as evidenced by our opposition argument and this rebuttal.

Their argument says **"tuition is a form of taxation."** This is incorrect. No student is compelled to attend the University of California, but all citizens are compelled,

by government force if necessary, to pay taxes whether they wish to or not. **So voluntary tuition payment is not taxation.**

We believe this measure will enable the legislature to abolish voluntary tuition and shift this charge to the taxpayers.

We urge a "NO" vote at the November 5th election.

UNITED ORGANIZATIONS OF TAXPAYERS INC.
6431 West 5th St., Los Angeles, California

Howard Jarvis, *State Chairman*

Edward J. Boyd, *President*

Leona Magidson, *Executive Secretary*

Argument Against Proposition 16

The California legislature now wants the new power, which it does not have now to control and determine the student tuition charges for those attending the University of California.

For this reason the legislature has put Proposition 16 on the November ballot for voter approval. If this proposition is approved by the voters, the power to determine the amount of yearly tuition the students pay, now held by the University Board of Regents, will henceforth be determined by the legislature and no longer by the Board of Regents.

We believe this is a bad proposal the people should vote against.

The legislature already has the power to control the educational policies of this state. It does not have, and should not have the additional power to be the administrators of the University of California.

The legislature is a political arm of government. It does not have the capability to be an administrative

body for other functions of government. Neither should the partisan political makeup of the legislature be the deciding force in setting the tuition for the simple reason that tuition charges should not be made into a political football.

Looking ahead, we believe it is the intention of the legislature to mandate free education at the University of California, and then add these costs to the tax bill of every citizen.

The high taxes in California have already severely reduced the standard of living for all the people of this state, therefore we believe Proposition 16 is simply the prelude to another and higher tax raise. We urge a no vote on Proposition 16 in November.

UNITED ORGANIZATIONS OF TAXPAYERS INC.
6431 West 5th St., Los Angeles, California

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Rebuttal to Argument Against Proposition 16

Proposition 16 does **not** give the Legislature "power to be administrators of the University." The Board of Regents is the agency with full powers of governance and administration. The Regents do not view Proposition 16 as a threat to their autonomy and do **not** oppose its passage.

It is not the Legislature's intent to either **raise or lower** tuition. The amendment was drafted in such a way so as to insure no change in current fees. The proposition was initially proposed by a committee of ten legislators which studied higher education for two years. The bipartisan and ideological composition of the committee, like the Legislature itself, was so diverse that there was no recommendation regarding whether or not the state should charge tuition. **That is a separate issue.** However, the members did agree that the decision as to whether or not the state charges tuition—and if so, the amount—should

be made by the **elected** representatives of the people.

We agree that "tuition should not be made into a political football." Yet, the imposition of tuition in the late 1960's was very much a "political" issue in the Regents' deliberations.

The charge that Proposition 16 is a "prelude to another and higher tax raise" is **absurd and irresponsible.** If anything, Proposition 16 can save your tax dollars. Currently, an agency which has no responsibility for the state's 100 community colleges can take unilateral actions which could result in raising taxes for the support of these colleges.

VOTE "YES".

JOHN VASCONCELLOS
Assemblyman, 24th District

HOWARD WAY
Senator, 15th District